Applicant:

McCartney, James I.

Serial No.:

10/604,215

Page 8

REMARKS

The Examiner's rejection of claims 1, 2, 4 and 7-10 and 15-17 under 35 U.S.C. 103(a) as unpatentable over Baker, et al. (U.S. 5,862,243) in view of Bernardo, et al. (U.S. 5,758,574) is respectfully traversed.

It is applicant's position that applicant's claimed invention in claims 1, 2, 4, 7-10 and 15-17 recite structure and process steps to an invention that is structurally and functionally completely different than either of the references, Baker, et al. '243 or Bernardo, et al. '574, individually or when considered together for the following reasons. The Baker system as disclosed reviews mail pieces provided in bulk to detect and categorize bar code defects to an entire batch of envelopes that have already gone through the printing process of printing the name and addresses and locators on the envelopes. This is completely different error detection than applicant's invention that detects errors at the point of printing the name, address, bar code and locator so that the printing process can be evaluated during the print run and stopped if sufficient error is detected during the envelope printing process itself. Bernardo '574 does not suggest nor teach applicant's claimed invention when considered with Baker. The fact that there is a rate incentive advantage for using an electronic address database for printing each address does not ensure that the initial printing process cannot be incorrect. Again, applicant's claimed invention uses an electronic address database during the printing process that checks for errors during the printing process itself. The mail batch can be corrected at printing. This is a significant difference as expressed in amended claims 1, 2, 4, 7-10 and 15-17. In amended claims 1, the mail piece mover transports each mail piece from the printer to the optical detector during the print run. The bar code image that is printed on each mail piece during the print run is compared during the print run to detect for errors. This novel and unobvious step and structure in applicant's claimed invention is not suggested by the combination

Applicant:

McCartney, James I.

Serial No.:

10/604,215

Page 9

of Baker and Bernardo. In the Baker, et al. device, U.S. Patent 5,862,243, column 3, lines 49 through 54, describe the passage of a mail piece to print head 38. "Print head 38 selectively marks mail in transport path 28." This is not printing the name, address, zip code and locator on the envelope. As described in Baker, column 3, lines 26 through 30, the "mail handler 20 has bed 21 which defines feed bin 22 for holding mail pieces in a mail row 24 for evaluation. Transport system 25 selectively moves mail a piece at a time from feed bin 22." Thus, the device in Baker, et al. is for taking a bin that has mail pieces that have already been printed for evaluation. The print head shown as element 38 is strictly as described in column 5, lines 6 through 13. "After imaging, the mail piece is moved to print head 38 and a unique number (""N"") or other identifying mark is printed on the mail piece in step 512." This is completely different in structure and function than applicant's claimed invention in amended claims 1, 2, 4, 7-10 and 15-17. The Bernardo '574 patent does not correct this important and glaring deficiency and difference in applicant's claimed invention and the references cited by the Examiner. Again, Bernardo deals also with pre-printed envelopes and does not provide for corrections during the printing process when the name, address and bar code is placed on the envelope.

The Examiner's rejection of claims 12-14 under 35 U.S.C. 103(a) as being unpatenable in view of Baker, et al. '243 as modified by Bernardo, et al. '574 as applied to claim 8 and further in view of Ohkawa, et al. '886 is respectfully traversed. Applicant reiterates applicant's comments concerning Baker, et al. and Bernardo, et al. Ohkawa, et al. does not provide for the combination of method steps or elements provided by applicant's claimed invention. Specifically, applicant's device can stop the printing operation and make corrections the moment an alarm is sounded in the actually printing of the envelope name, address, zip code and locator. This feature is not suggested in any of the reference cited by the Examiner and, therefore, the combination of the references when viewed by someone of ordinary skill in the art would not result in applicant's claimed invention.

Applicant:

McCartney, James I.

Serial No.:

10/604,215

Page 10

The Examiner's rejection of claims 18 and 19 under 35 U.S.C. 103 as being unpatentable

over Baker, et al. '243 and modified by Bernardo, et al. '574 as applied to claim 8 and further in

view of Dickson, et al. '659 is respectfully traversed. Again, Dickson does not provide any

suggestion or teaching in combination with the other references previously discussed that would

result in applicant's claimed invention to one of ordinary skill in the art.

It is applicant's position that applicant's claims, as amended, including new claim 21 are

allowable over the art of record.

If there are any additional charges, including Extensions of time, please bill our Deposit

Account No. 13-1130.

Respectfully submitted,

Barry L. Haley, Reg. No. 25,339

Malin, Haley & DiMaggio, P.A.

1936 S. Andrews Avenue

Fort Lauderdale, Florida 33316

(954) 763-3303

I:\10210\AMEND\3806.Response to 11-14-2005 OA